

AMENDED IN ASSEMBLY JUNE 17, 1996

AMENDED IN SENATE MAY 1, 1996

AMENDED IN SENATE MARCH 21, 1996

SENATE BILL

No. 1582

Introduced by Senator Maddy

February 16, 1996

An act to amend Section 50052.5 of the Government Code, *and to amend Section 7663 of the Probate Code*, relating to unclaimed property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1582, as amended, Maddy. Unclaimed property.

Existing law provides for the administration of an estate by a public administrator. Existing law requires the public administrator to, upon receipt, deposit all money of the estate in an insured account in a financial institution or with the county treasurer of the county in which the proceedings are pending. Existing provisions of law regarding summary disposition of defined small estates by a public administrator require, if there are no beneficiaries, the public administrator to deposit the balance of a decedent's estate with the county treasurer for use in the general fund of the county, as specified, *and to give the Controller a prescribed notice if the amount of the deposit exceeds \$10,000*. Existing law provides that the county treasurer may release to the depositor of specified unclaimed money, their heir, beneficiary, or duly appointed representative, unclaimed money if claimed prior

to a certain time upon submitting proof satisfactory to the treasurer.

This bill would authorize the county treasurer to release unclaimed money deposited pursuant to those provisions of existing law regarding summary disposition of small estates to any ~~person blood relative of either the decedent or the decedent's predeceased spouse~~ who files a specified affidavit, as specified. *This bill would also require the public administrator to give the above-described notice if the amount of the deposit exceeds \$5,000.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 50052.5 of the Government
2 Code is amended to read:

3 50052.5. (a) Notwithstanding Section 50052, the
4 treasurer may release to the depositor of the unclaimed
5 money, their heir, beneficiary, or duly appointed
6 representative, unclaimed money if claimed prior to the
7 date the money becomes the property of the local agency
8 upon submitting proof satisfactory to the treasurer, unless
9 the unclaimed money is deposited pursuant to Section
10 7663 of the Probate Code.

11 (b) Notwithstanding Section 50052, the treasurer may
12 release unclaimed money deposited with the county
13 treasurer pursuant to Section 7663 of the Probate Code,
14 ~~to any person who files an affidavit with the county~~
15 ~~treasurer pursuant to Section 13101 of the Probate Code.~~
16 ~~Notwithstanding Section 13101 of the Probate Code, the~~
17 ~~affiant shall not be required to declare that no other~~
18 ~~person has a superior right to the interest of the decedent~~
19 ~~in the described property. Receipt by the county~~
20 ~~treasurer of the affidavit shall constitute sufficient~~
21 ~~acquittance for the payment of money to the claimant~~
22 ~~and shall discharge the county treasurer from any further~~
23 ~~liability with respect to the money. The county treasurer~~
24 ~~may rely in good faith on the statements in the affidavit~~
25 ~~and shall have no duty to inquire into the truth of any~~

~~statement in the affidavit.~~ to any blood relative of either the decedent or the decedent's predeceased spouse.

The claim shall be presented to the county treasurer in affidavit form and signed under penalty of perjury. Notwithstanding Section 13101 of the Probate Code, the claimant, to be entitled to the entire escheated estate, needs only to establish with documentary proof the existence of a blood relationship to either the decedent or of the predeceased spouse, if any, and the documentary proof, if regular on its fact, need not be certified. Notwithstanding Section 13101 of the Probate Code, the claimant shall not be required to declare that no other person has an equal or superior claim to the escheated estate.

The county treasurer may rely in good faith on the sworn statements made in the claim and shall have no duty to inquire into the truth or credibility of evidence submitted.

In paying out the escheated estate, the county treasurer shall be held harmless to all. Payment shall act as total acquittance and shall completely discharge the county treasurer from any liability.

If the county treasurer rejects any claim made hereunder, the claimant may take his or her grievance to the Superior Court of the county holding the escheated estate.

Any claim paid hereunder shall be paid without interest.

SEC. 2. Section 7663 of the Probate Code is amended to read:

7663. (a) After payment of debts pursuant to Section 7662, but in no case before four months after court authorization of the public administrator to act under this article or after the public administrator takes possession or control of the estate, the public administrator shall distribute to the decedent's beneficiaries any money or other property of the decedent remaining in the possession of the public administrator.

(b) If there are no beneficiaries, the public administrator shall deposit the balance with the county

1 treasurer for use in the general fund of the county, subject
2 to Article 3 (commencing with Section 50050) of Chapter
3 1 of Part 1 of Division 1 of Title 5 of the Government Code.
4 If the amount deposited exceeds ~~ten~~ *five* thousand dollars
5 ~~(\$10,000)~~ *(\$5,000)*, the public administrator shall at the
6 time of the deposit give the Controller written notice of
7 the information specified in Section 1311 of the Code of
8 Civil Procedure.

O

